

November 03, 2011

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



EDDIE R. JIMENEZ (CA SBN 231239)

GAGAN G. VAIDEESWARAN (CA SBN 272405)

PARADA KOVADI (CA SBN 272724)

PITE DUNCAN, LLP

4375 Jutland Drive, Suite 200

P.O. Box 17933

San Diego, CA 92177-0933

Telephone: (858) 750-7600

Facsimile: (619) 590-1385

Signed: November 02, 2011

ALAN JAROSLOVSKY

U.S. Bankruptcy Judge

Attorneys for Wells Fargo Bank, N.A. also known as Wachovia Mortgage, a division of Wells Fargo Bank, N.A. and formerly known as Wachovia Mortgage FSB, formerly known as World Savings Bank, FSB

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA - SANTA ROSA DIVISION

In re

STEVEN MARTINEZ AND HEIDI C
MARTINEZ,

Case No. 10-14663-AJ

Chapter 13

R.S. No. GGV-53

CONDITIONAL ORDER ON MOTION
FOR RELIEF FROM AUTOMATIC STAY

DATE: September 22, 2011

TIME: 9:00 AM

Northern District of California - Santa Rosa
Division
United States Bankruptcy Court
99 South "E" Street
Santa Rosa, CA 95404-6524

Debtor(s).

The above-captioned matter came on for hearing on September 22, 2011, at 9:00 AM, upon the Motion of Wells Fargo Bank, N.A. also known as Wachovia Mortgage, a division of Wells Fargo Bank, N.A. and formerly known as Wachovia Mortgage FSB, formerly known as World Savings Bank, FSB ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest in the property of Steven Martinez and Heidi C Martinez ("Debtors") commonly known as 147 Quarry Ridge Court, Healdsburg, California 95448-7046 (the "Real Property"), which is legally described as follows:

1 SEE LEGAL DESCRIPTION AS EXHIBIT TO PROPOSED
2 CONDITIONAL ORDER ON MOTION FOR RELIEF FROM
 AUTOMATIC STAY, DOCKET ENTRY NUMBER 22.

3 Appearances as noted on the record.

4 Based on the arguments of counsel, and good cause appearing therefor,

5 IT IS HEREBY ORDERED:

6 1. Debtors shall bring the loan completely post-petition current on or before
7 November 21, 2011, or the automatic stay of 11 U.S.C. § 362, shall be terminated;

8 2. If Debtors bring the loan completely post-petition current on or before November
9 21, 2011, Movant may restore its Motion for Relief from Automatic Stay upon a future default;

10 3. In the event the automatic stay is terminated, Movant shall be authorized to
11 foreclose its security interest in the Real Property under the terms of the Note and Deed of Trust,
12 and pursuant to applicable state law;

13 4. In the event the automatic stay is terminated, the 14-day stay provided by
14 Bankruptcy Rule 4001 (a)(3) shall be waived;

15 5. Post-petition attorneys' fees and costs for the within motion may be added to the
16 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

17 6. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant
18 may proceed in State Court for unlawful detainer pursuant to applicable state law;

19 7. In the event the automatic stay is terminated, the Chapter 13 Trustee shall cease
20 making any payments in regard to Movant's claim filed in this bankruptcy case;

21 8. Movant may offer and provide Debtors with information re: a potential
22 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
23 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
24 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
25 liability is discharged in this bankruptcy case; and

26 9. This Order shall be binding and effective despite any conversion of this
27 bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

28 ** END OF ORDER **